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Attorney for Plaintiff  
 Amy Harrington

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

AMY HARRINGTON, on behalf of herself )  
 and all others similarly situated, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MATTEL, INC., a Delaware Corp., and )  
 FISHER-PRICE, INC., a Delaware Corp., )  
 and DOES 1 through 100, inclusive, )  
 )  
 Defendants. )

CIV. NO. 07-5110 (MJJ)

**DECLARATION OF JULIO J. RAMOS**  
**IN SUPPORT OF MOTION TO**  
**REMAND**

Date: December 11, 2007  
 Time: 9:30 a.m.  
 Dept.: Courtroom 11

I, Julio J. Ramos, declare as follows:

1. I am an attorney licensed to practice law in the State of California and admitted to the bar of the Northern District of California. The matters stated below are true of my own knowledge, and if called upon to testify, I could and would testify competently to them.

2. My law office is located at 35 Grove Street, Suite 107 San Francisco California 94102. I have spent 26.00 hours preparing this motion and supporting papers. My billable rate is \$375.00 an hour.

3. On August 2, 2007 the United States Consumer Products Safety Commission (CPSC) issued a press release announcing a massive recall of over 900,000 toy products. The press release specifically identified Mattel Inc. toys from the Dora the Explorer

1 line, as a hazard because “surface paints on the toys could contain excessive levels of lead. Lead  
2 is toxic if ingested by young children and can cause adverse health effects. I downloaded a copy  
3 of the press release directly from the CPSC website. A true and correct copy of the CPSC Press  
4 Release dated 8/02/07 is attached hereto as Exhibit A to this declaration.

5 4. The CPSC press release states that the prices for the toys subject to the  
6 recall ranged between \$5 and \$40 dollars.

7 5. I have reviewed Mattel Inc.’s website and randomly selected toys listed in  
8 the CPSC press release to confirm the range of prices asserted therein. Consequently, I have  
9 confirmed the following prices: Elmo Light Up Musical Pal listed at \$9.99, Elmo Tub Sub listed  
10 at \$8.00, Elmo Boom Box listed at \$10.00, Elmo in the Giggle Box listed at \$8.00, Shake Giggle &  
11 Roll listed at \$15.00, Go Diego Go Deep Sea Rescue listed at \$9.99, Go Diego Go Talking Rescue  
12 listed at \$20.00, Giggle Doodler listed at \$13.00, Go Diego Go Antarctic Rescue \$9.99, and Go  
13 Diego Go Mountain Rescue \$9.99.

14 6. Between May and July of 2007 Plaintiff Amy Harrington had purchased in  
15 the State of California, a Dora Talking Pony Palace for her four year old daughter; that toy was  
16 listed in the CSPC press release as containing lead based paint.

17 7. On August 20, 2007 I filed a lawsuit on behalf of Amy Harrington, a  
18 lifelong resident of the City and County of San Francisco against Mattel Inc. and its wholly owned  
19 subsidiary Fisher-Price, based on California’s implied warranty law and Section 17200 of the  
20 Unfair Competition Law. No federal claims were asserted and the amount in controversy was  
21 alleged as less than \$75,000.00. The case is captioned Harrington v. Mattel, Inc. et. al.,  
22 CGC-07-466376.

23 8. On September 11, 2007 the lawsuit was served on Defendants. The matter  
24 was designated as complex and assigned to the Complex Litigation Department of Judge John E.  
25 Munter on September 27, 2007.

26 9. On September 12, 2007 Mattel Inc.’s Chairman and CEO, Mr. Robert  
27 Eckert, admitted Mattel’s Inc.’s failure to adequately supervise the production of its toy products

1 in testimony before the United States Senate. I downloaded a copy of Mr. Eckert's testimony  
2 directly from Mattel's website. A true and correct copy of the testimony dated 9/12/07 is attached  
3 hereto as Exhibit B to this declaration.

4 10. On October 3, 2007 the Defendants' law firm; Jones Day filed a joint  
5 answer to the complaint on behalf of both Defendants to the instant action.

6 11. On October 4, 2007 the Defendants jointly filed a joint Notice of Removal  
7 to the Northern District of California.

8 12. On October 16, 2007 defendant's counsel in a brief jointly filed before the  
9 Judicial Panel on Multidistrict Litigation in MDL Docket No. 1897 stated that: "Mattel's  
10 worldwide product integrity program is likely to be relevant to the various claims in these  
11 proceedings, and that program is based at Mattel's offices in El Segundo, California. Far fewer  
12 documents and witnesses are located at Fisher-Price's headquarters in the Western District of New  
13 York." I obtained a copy of the brief from Deborah Simmons, Jones Day 2727 North Harwood  
14 Street Dallas Texas 75201 via Federal Express priority overnight delivery. A true and correct  
15 copy of Defendants Mattel, Inc.'s and Fisher-Price Inc.'s Reply In Support of Motion For § 1407  
16 Transfer of Actions To The Central District of California is attached as Exhibit C to this  
17 declaration.

18 13. On November 2, 2007 during the course of preparing Plaintiff's Motion to  
19 Remand I discovered a governmental report regarding taxpayer costs associated with lead  
20 contamination monitoring of children. A 2002 study commissioned by the District Board of  
21 Health for Mahoning County Ohio quantified some of the direct costs to taxpayers to screen and  
22 treat children for lead poisoning. Essentially, the study found that screening and treating 2,777  
23 children at varying levels of lead levels cost a total of about \$124,654. I downloaded a true and  
24 copy of the report from the District Board of Health for Mahoning County Ohio website at  
25 [http://www.mahoning-health.org/SpecialReportsUpload/311\\_315.pd](http://www.mahoning-health.org/SpecialReportsUpload/311_315.pd). See *Public Health Reports*,  
26 *May-June 2005, Vol. 120* attached to this declaration as Exhibit D.

